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of the State of California
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7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2008-263

12 **HENRY LOUIS ROJAS, JR.**

13 3013 Wood Road
Picayune, Mississippi 39466

DEFAULT DECISION
AND ORDER

14 Registered Nurse License No. RN 671776

[Gov. Code, §11520]

15 Respondent.

16
17 **FINDINGS OF FACT**

18 1. On or about March 17, 2008, Complainant Ruth Ann Terry, M.P.H., R.N.,
19 in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
20 Department of Consumer Affairs, filed Accusation No. 2008-263 against Henry Louis Rojas, Jr.
21 ("Respondent") before the Board.

22 2. On or about January 10, 2006, the Board issued Registered Nurse License
23 No. RN 671776 ("license") to Henry Louis Rojas, Jr. ("Respondent"). The license expired on
24 October 31, 2007, and has not been renewed.

25 3. On or about March 14, 2008, Donna H. Parker, an employee of the
26 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
27 2008-263, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
28 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,

1 which was and is 3013 Wood Road, Picayune, Mississippi 39466. A copy of the Accusation is
2 attached as Exhibit A, and is incorporated herein by reference.

3 4. Service of the Accusation was effective as a matter of law under the
4 provisions of Government Code section 11505, subdivision (c).

5 5. On or about April 7, 2008, the certified mailing of aforementioned
6 documents was returned by the U.S. Postal Service marked "Unclaimed."

7 6. Business and Professions Code section 118 states, in pertinent part:

8 (b) The suspension, expiration, or forfeiture by
9 operation of law of a license issued by a board in the department,
10 or its suspension, forfeiture, or cancellation by order of the board
11 or by order of a court of law, or its surrender without the written
12 consent of the board, shall not, during any period in which it may
13 be renewed, restored, reissued, or reinstated, deprive the board of
14 its authority to institute or continue a disciplinary proceeding
15 against the licensee upon any ground provided by law or to enter an
16 order suspending or revoking the license or otherwise taking
17 disciplinary action against the license on any such ground.

18 7. Government Code section 11506 states, in pertinent part:

19 (c) The respondent shall be entitled to a hearing on the
20 merits if the respondent files a notice of defense, and the notice
21 shall be deemed a specific denial of all parts of the accusation not
22 expressly admitted. Failure to file a notice of defense shall
23 constitute a waiver of respondent's right to a hearing, but the
24 agency in its discretion may nevertheless grant a hearing.

25 8. Respondent failed to file a Notice of Defense within 15 days after service
26 upon him of the Accusation, and therefore waived his right to a hearing on the merits of
27 Accusation No. 2008-263.

28 9. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of
defense or to appear at the hearing, the agency may take action
based upon the respondent's express admissions or upon other
evidence and affidavits may be used as evidence without any notice
to respondent.

10 Pursuant to its authority under Government Code section 11520, the Board
11 finds Respondent is in default. The Board will take action without further hearing and, based on
12 the evidence on file herein, finds that the allegations in Accusation No. 2008-263 are true.

13 ///

11. The total cost for investigation and enforcement in connection with the Accusation are \$606.00 as of May 14, 2008. A copy of the cost-of-suit summary is attached as Exhibit B and is incorporated herein by reference.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent has subjected his Registered Nurse License No. RN 671776 to discipline.

2. A copy of the Accusation is attached.

3. The agency has jurisdiction to adjudicate this case by default.

4. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation:

a. Under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, Respondent was disciplined by the Louisiana State Board of Nursing ("Louisiana Board"). Effective September 12, 2007, in the case entitled, *In the Matter of Henry Louis Rojas, Jr.*, pursuant to the Consent Corder, Respondent's Registered Nurse License No. RN 088762 was suspended for a minimum period of five (5) years.

b. Under Code section 2761, subdivision (f), on May 2, 2007, in the United States District Court, Southern District of Mississippi, in the case entitled, *United States of America v. Henry Louis Rojas, Jr.*, Case No. 107cr41LG-JMR, Respondent was convicted by the court on his plea of guilty of violating title 18 U.S.C. section 2252A, subdivision (a)(5)(B) (Possession of Child Pornography or Possession of Obscene Materials), a felony.

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ORDER

IT IS SO ORDERED that Registered Nurse License No. RN 671776 heretofore issued to Respondent is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on August 30, 2008

It is so ORDERED July 31, 2008

LaTranene W Tate

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

30460896.wpd

DOJ docket number: SA2008100095

Attachment:

Exhibit A: Accusation No.2008-263

Exhibit B: Cost-of Suit Summary

Exhibit A

Accusation No. 2008-263

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ALFREDO TERRAZAS
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3 ARTHUR D. TAGGART, State Bar No. 083047
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7 Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No. 2008-263

14 **HENRY LOUIS ROJAS, JR.**
3013 Wood Road
15 Picayune, Mississippi 39466

A C C U S A T I O N

16 Registered Nurse License No. RN 671776

17 Respondent.
18

19 Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in her official capacity as the
22 Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer
23 Affairs.

24 **License History**

25 2. On or about January 10, 2006, the Board issued Registered Nurse License
26 Number RN 671776 ("license") to Henry Louis Rojas, Jr. ("Respondent"). The license expired
27 on October 31, 2007, and has not been renewed.
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1 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
2 and enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Out-of-State Discipline)**

5 8. Respondent is subject to disciplinary action under Code section 2761,
6 subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined
7 by the Louisiana State Board of Nursing ("Louisiana Board"). Effective September 12, 2007, in
8 the case entitled, *In the Matter of Henry Louis Rojas, Jr.*, pursuant to the Consent Corder,
9 Respondent's Registered Nurse License No. RN 088762 was suspended for a minimum period of
10 five (5) years. A copy of the Consent Order is attached as Exhibit A and is incorporated herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Criminal Conviction)**

13 9. Respondent is subject to disciplinary action under Code section 2761,
14 subdivision (f), in that on May 2, 2007, in the United States District Court, Southern District of
15 Mississippi, in the case entitled, *United States of America v. Henry Louis Rojas, Jr.*,
16 Case No. 107cr41LG-JMR, Respondent was convicted by the court on his plea of guilty of
17 violating title 18 U.S.C. section 2252A, subdivision (a)(5)(B) (Possession of Child Pornography or
18 Possession of Obscene Materials), a felony.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number RN 671776
5 issued to Henry Louis Rojas, Jr.;

6 2. Ordering Henry Louis Rojas, Jr. to pay the Board the reasonable costs of
7 the investigation and enforcement of this case, pursuant to Code section 125.3; and

8 3. Taking such other and further action as deemed necessary and proper.
9

10 DATED: 3/7/08

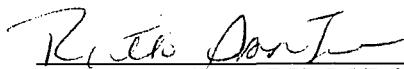
11
12 
13 RUTH ANN TERRY, M.P.H., R.N.
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
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EXHIBIT A

Louisiana State Board of Nursing
Consent Order

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Louisiana State Board of Nursing

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 Fax: (225) 763-3580

<http://www.lsbnp.state.la.us>

October 9, 2007

California Board of Registered Nursing

Attn: Kristi Powell

1625 N. Market Blvd., Ste N217

Sacramento, CA 95834

STATE OF LOUISIANA

EAST BATON ROUGE PARISH

I, Barbara L. Morvant, Executive Director of the Louisiana State Board of Nursing, do hereby certify that I am Custodian of Records of the Board of Nursing and that the copy of the Final Order pertaining to the matter of **HENRY LOUIS ROJAS JR, SS# 437-92-0208**, is a true and correct copy of said documents as they appear among the files and records of this office.

WITNESS by my hand and seal of the Board of Nursing this 9th day of October, 2007.

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant, MN, RN

BARBARA L. MORVANT, MN, RN
EXECUTIVE DIRECTOR

BOARD SEAL

By

Joy Peterson

Joy Peterson, BSN
Regional Manager

Enclosures

BLM/JAP/lmt

Louisiana State Board of Nursing

5207 Essen Lane, Suite 6

Baton Rouge, LA 70809

Telephone: (225) 763-3570 Fax: (225) 763-3580

<http://www.lsbns.state.la.us>

September 19, 2007

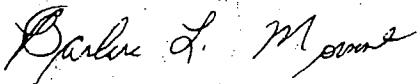
Mr. Henry Louis Rojas Jr
3013 Woods Rd
Picayune, MS 39466

**RE: ORDER Approving and Accepting
Consent Order**

Dear Mr. Rojas Jr:

This is official notification that the signed Consent Order submitted by you was approved and accepted by the Louisiana State Board of Nursing in a regularly scheduled meeting on September 12, 2007.

Sincerely,



Barbara L. Morvant, MN, RN
Executive Director

BLM/lmt

**LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA**

IN THE MATTER OF:

HENRY LOUIS ROJAS JR

3013 WOODS RD

PICAYUNE, MS 39466

Respondent

*

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*

CONSENT ORDER

TERMS AGREED TO BY LICENSEE

I, **HENRY LOUIS ROJAS JR**, voluntarily agree to sign and have witnessed terms of agreement for the purpose of avoiding formal administrative proceedings with the Louisiana State Board of Nursing.

I, **HENRY LOUIS ROJAS JR**, do say that I freely, knowingly and voluntarily enter into this agreement. I understand that I have a right to a hearing in this matter and I freely waive such right. I understand that I have a right to legal counsel prior to entering into this agreement. I acknowledge that the Louisiana State Board of Nursing makes the following **FINDINGS OF FACT**:

1. On August 6, 1997, Respondent was licensed by examination to practice as a registered nurse in Louisiana.
2. On April 20, 2007, Respondent was charged by the United States Attorney in the US District Court for the Southern District of Mississippi with, "Did knowingly possess matter which contained more than three images of child pornography that had been shipped or transported in interstate or foreign commerce, the production of which involved the use of minor children engaging in sexually explicit conduct and which visual depictions were in such conduct, in violation of Section 2252A (a) (5)(B) Title 18, United States Code." (Case # 107cr41LG-JMR)
3. Respondent reported that on May 2, 2007, he pled guilty to one count of possession of child Pornography or Possession of Obscene Materials and sentencing date was scheduled for July 30, 2007; however, he did not have copies of the court record.
4. On May 16, 2007, Respondent self reported to the Louisiana State Board of Nursing that he had been arrested and charged with one count of child pornography on his home computer.
5. On July 19, 2007, Respondent met with Board staff for an informal conference to discuss the findings of fact and consent order. He denied any prior arrest and presented three (3) letters of reference from his current employer and prior co-workers.
6. On July 31, 2007, Respondent notified Board staff that he was convicted and sentenced to five (5) years in a Federal Prison for one count of Child Pornography.

To facilitate submission of this Consent Order, I do not offer any defense to the **FINDINGS OF FACT**. I agree that the Board has jurisdiction of this matter pursuant to L.R.S. 37:911 et seq. I admit to the findings of fact and I further agree that there is sufficient evidence upon which to predicate a finding of violation of the provisions of L.R.S. 37:921. I agree that the Board may treat the allegations of fact and law as true, which finding shall have the same force and effect as if evidence and argument were presented in support of the allegations and, based thereon, the Board found the allegations to be true. I specifically waive my right to contest these findings in any subsequent proceedings before the Board. I understand that this Consent Order shall constitute a public record and is disciplinary action by the Board.

I understand that this will be reported as: **Criminal Conviction (HIPDB Code 19), Sexual Misconduct (HIPDB Code D1)**

AUG 16 2007

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:

HENRY LOUIS ROJAS JR
3013 WOODS RD
PICAYUNE, MS 39466

*
*
*

CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE (CONT'D)

I further understand that the HIPDB Summary will be reported as: This nurse was suspended for minimum of five (5) years, because of criminal conviction related to Child Pornography on his home computer.

In order to avoid further administrative proceedings, I, **HENRY LOUIS ROJAS JR**, hereby consent to accept and abide by the following **ORDER** of the Board: The license of this registrant is suspended for a minimum of five (5) years, after which he may request to appear before the Board or Board staff and show cause why he should be allowed to practice as a registered nurse. Prior to requesting reinstatement, registrant shall:

1. Immediately surrender current RN license to Board staff to be retained in the registrant's file.
2. Refrain from working in any capacity as a registered nurse. Failure to do so shall cause further disciplinary action and/or criminal charges.
3. Submit to comprehensive psychiatric, psychological, substance abuse and sexual addiction evaluations by a psychiatrist, clinical psychologist, and addictionist, approved by the Board, the said evaluators to specialize in Sexual Disorders; Shall authorize and cause a written report of the said evaluation to be submitted to the Board; Shall include the entire evaluation report including diagnosis, course of treatment, prescribed or recommended treatment, prognosis, and professional opinion as to registrant's capability of practicing nursing with reasonable skill and safety to patients.
4. Immediately submit to all recommendations thereafter of the therapist, physician, or treatment team, and cause to have submitted evidence of continued compliance with all recommendations by the respective professionals. This stipulation shall continue until the registrant is fully discharged by the respective professionals and until approved by the Board staff.
5. If found to be chemically dependent, immediately sign an agreement with the Recovering Nurse Program, and cause to have submitted evidence of compliance with all program requirements for a minimum of three (3) years.
6. Submit certified copies of all criminal charges and final disposition. Have resolved any and all pending criminal, convictions, probation, parole or other court orders prior to requesting reinstatement.
7. Not have any misconduct, criminal violations or convictions, or violations of any health care regulations reported to the Board related to this or any other incidents.
8. Submit written evidence of completion of 20 hours of LSBN staff approved continuing education hours to include the areas of Legal Aspects of Nursing Care and Professional Boundaries. Must also comply with all CE requirements under LAC 46:XLV11. 3335.
9. Submit payment of \$200.00 cost and \$500.00 fine to the Board.

I agree that if I request reinstatement of my license, I must demonstrate, to the satisfaction of the Board, that I pose no danger to the practice of nursing or to the public and that I can safely and competently perform the duties of a registered nurse. The Board, in reinstating my license, will require a period of

AUG 16 2007

LOUISIANA STATE BOARD OF NURSING
BATON ROUGE, LOUISIANA

IN THE MATTER OF:
HENRY LOUIS ROJAS JR
3013 WOODS RD
PICAYUNE, MS 39466

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CONSENT ORDER

Respondent

TERMS AGREED TO BY LICENSEE (CONT'D)

probation, along with supportive conditions or stipulations, to ensure that patients and the public are protected.

I further acknowledge that the only promise or representations made to me by the Board or its representatives are that upon receipt of proper proof and evidence of my rehabilitation, the Board will give due consideration to an application for reinstatement of license at such time as is allowed by law. I fully understand that as a condition for reinstatement, I must demonstrate to the satisfaction of the Board that I am capable of safely and competently resuming the practice of nursing in accordance with the laws of the state of Louisiana.

I, **HENRY LOUIS ROJAS JR**, understand that this agreement is effective immediately upon signature of the Executive Director. It is also understood that this agreement does not preclude the Board of Nursing from requiring a formal hearing of my case. I further understand that should the Consent Order not be accepted by the Board, I agree that presentation to and consideration of the Consent Order, the documentary evidence and information by the Board shall not unfairly or illegally prejudice the Board or any of its members from participation in hearings or other proceedings pertaining to these or other matters regarding this registrant.

Dated this 14 day of Aug, 2007.

Janet Waldrop
Witness

Henry Louis Rojas Jr
HENRY LOUIS ROJAS JR
Darryl D Rojas
Witness

LOUISIANA STATE BOARD OF NURSING

Barbara L. Morvant 08/25/07
Barbara Morvant, MN, RN Date
Executive Director

AUG 16 2007